Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of	)	
	)	
Improving Public Safety Communications	)	
in the 800 MHz Band	)	WT Docket No. 02-55
	)	
Consolidating the 900 MHz Industrial/	)	
Land Transportation and Business Pool	)	
Channels		

Comments of Cascade Two-Way Radio

February 10th, 2003

Cascade Two-Way Radio is a Business Radio Service licensee in Region 5 of the U.S. Canada border area, operating under call sign WNZI692. We have reviewed the Consensus Plan and Supplemental Comments and are providing our comments relative to the rebanding plans proposed by the Consensus parties. Cascade Two-Way Radio conditionally supports the proposals outline in the Consensus Plan and Supplemental Comments, with the additions proposed in these comments.

We have observed harmful interference to our own operations and the operations of other FCC licensees in Region 5 resulting from NEXTEL operations. Without the substantial changes proposed as a part of the Consensus Plan and Supplemental Comments, we see little opportunity to avoid continuing problems with inter-service interference.

We also recognize that the transition anticipated by the Consensus Plan will be disruptive and costly to many small, medium and large businesses in our region alone. We hope that the Commission recognizes the challenges being imposed on small businesses like ours

and expands the rule making to address the issues raised in these Comments. The changes identified in these comments will serve to reduce the negative impact of the rebanding transition.

Allow for Secondary Use of 854.75- 862.25 MHz in Region 5

The Commission should seek to embody by 'rule' the flexibility granted by existing treaty with Canada to allow the Use of the spectrum between 854.75 and 862.25 MHz. Currently this spectrum is unavailable for licensing in Region 5 except by waiver.

Availability of this spectrum to B/ILT/H-SMR system operators would greatly enhance existing systems, bring needed spectrum relief to the region and allow for new entries into the communications marketplace. In all respects, rules are in place which would allow the Commission to simply modify Part 90 to allow for secondary use, provided such use met the power flux density limits present in treaty documents between the U.S. and Canada. Any use by incumbents who have secured waivers to use this spectrum should be allowed, provided such use was consistent with a future band plan and did not include low elevation, low power digital SMR operations. Allowing any continued use for low elevation, low power digital SMR systems would risk the potential for continuing interference to business, industrial-land transportation or high elevation SMR (B/ILT/H-SMR) users in the 862.25-863.9 MHz range or, if permitted, in the 854.75-862.25 MHz range.

NEXTEL to Surrender all Licenses in Border Area 'White Space"

NEXTEL should commit to surrendering all existing licenses outside the band limits proposed in the Supplemental Comments, Appendix G, Chart G-5, including spectrum won at auction, in the areas that surround the existing U.S.-Canada border area incumbents. This means that where an existing B/ILT/H-SMR contour exists and NEXTEL has secured access to all of the licensable areas *outside* of that contour, that NEXTEL will surrender its rights to that spectrum.

Essentially, once the band shifts have been completed, NEXTEL and its related companies would hold no licenses between the U.S.-Canada border and the U.S. 140 km line if the channel is currently licensed to *any* business, industrial-land transportation or high elevation SMR. This will free licensees who have been unable to expand or modify their licenses the ability to upgrade and revise their system designs to comply with any requirements arising from the rebanding process. Incumbent licensees should be provided with 90 days in which they can modify their license following the close of the relocation process to add facilities as required, prior to allowing non-incumbent B/ILT/H-SMR users to apply for licenses in these areas.

Guard Band Lacking in Consensus Plan and Supplemental Comments

The existing relocation band plan for Region 5 lacks the Best Practices Guide suggested 2 MHz guard band. Based on all comments to date, this is required for adequate protection of non-ESMR (NEXTEL) systems. We suggest as an alternative that NEXTEL provide 1-2 MHz of spectrum from the 863.900 MHz to 865.900 MHz range.

Portions of this guard band could also be used for intinerant business, industrial/land transportation low-power analog radio operations or low power 'campus.' systems on a strict non-interference basis with users outside of the guard band. Power limits of no greater than 5-10 watts ERP should be established and all such use would be under a non-interference policy.

Comparable Facilities

For shared channels like that used by our system, we should have the same co-channel users after rebanding, provided there is no need to relocate any of the co-channel users. For example, if a channel is currently assigned for a B/ILT/H-SMR system is on a channel between 862.25 and 863.90 MHz, we suggest that there is no need to change any characteristics of the incumbent systems. The same mix of co-channel users should also be present after relocation for licensees that are relocated from 851-854.75 MHz into the 862.25-863.9 MHz segment.

Offset Channels

The Commission should consider allowing the use of 12.5 KHz offset channel assignments for low power fixed and mobile operations with ERP not to exceed 10 watts. This provision would not apply to public safety relocations since they may ultimately use 12.5 KHz steps for high power, wide area systems (as has been done in the NPSPAC band). These could be used for mobile, portable, and temporary fixed operations or campus applications.

Conversion of 900 MHz Business and Industrial/Land Transportation Pool Licenses to CMRS

There appears to be no significant issue with regard to allowing for conversion of existing PMRS grants to CMRS operation. These systems will remain 'high site' designs and will not increase the potential for interference.

Create Business/Industrial Land Transportation Interoperability Channels

The FCC has a unique opportunity to identify several channels that could be assigned for emergency interoperability purposes for use following disasters. Currently, there exists limited spectrum for use by businesses and land transportation providers who might respond following a large disaster or other emergency. Creation of 2-5 channel pairs (perhaps at the lower edge of the proposed guard band) would be of tremendous use to organizations who provide support following the first response in a disaster.

Respectfully Submitted,

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Spencer Bahner

Owner, Cascade Two-Way Radio